IN THE COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE JURISDICTION

WRIT PETITION (L) NO. 242 OF 2007

M/s.Aatish Dani Investment Services ...Petitioners
vs.
The State of Maharashtra and Ors. ...Respondents

WRIT PETITION (L) NO. 243 OF 2007

Ritesh Narottamdas Dani and Ors. ...Petitioners
vs.
The State of Maharashtra and Ors. ...Respondents

Ms.N.P.Karnik for the petitioners.

Mr.Pradeep Jadhav, AGP for respondent nos.1 and 2.

CORAM: J.N.PATEL, J. And

S.C.DHARMADHIKARI, J.

DATE ; 8TH FEBRUARY, 2007.

P.C :-

1. Mentioned. Not on Board.

2. The Learned Counsel for the petitioner to get the petition registered.

3. Both these petitions can be disposed off at the stage of admission itself as it involves a common issue as to whether the properties which are purported to be attached by the respondent is the exclusive property of the petitioner having no nexus with M/s.Expotrade against whom the Recovery Certificate is issued. The learned Counsel for the petitioner, submits that, petitioners have filed their objections to the purported recovery. The

Learned AGP states that the Recovery Officer would hear the petitioners on their objections and take a decision and thereafter proceed with the recovery proceedings. In case the Recovery Officer comes to the conclusion that the property can be attached and disposed off against the Recovery Certificate, the petitioner can very well resort to alternate remedy available to them under the MLR Code. Petition stands disposed off accordingly.

SD/-

(J.N.PATEL, J)

SD/-

(S.C.DHARMADHIKARI, J)